

1 MCGREGOR W. SCOTT
United States Attorney
2 JUSTIN J. GILIO
Assistant United States Attorney
3 2500 Tulare Street, Suite 4401
Fresno, CA 93721
4 Telephone: (559) 497-4000
Facsimile: (559) 497-4099
5

6 Attorneys for Plaintiff
United States of America
7

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13
14 v.
15 DILLON THOMAS JOHNSON,
Defendants.

CASE NO. 1:20-CR-00181-DAD-BAM

MOTION TO DISMISS WITHOUT PREJUDICE
CHARGE TWO IN COMPLAINT ORDER

16 On July 23, 2020, the defendant was charged by criminal complaint with two offenses:

17 (1) Possession with Intent to Distribute Oxycodone and Fentanyl (N-phenyl-N- [1- (2-phenylethyl) -4-
18 piperidinyl] propanamide), and (2) Distribution of Oxycodone and a mixture or substance containing a
19 detectable amount of Fentanyl (N-phenyl-N- [1- (2-phenylethyl) -4-piperidinyl] propanamide)
20 Resulting in Serious Bodily Injury. Doc. 1.

21 On July 29, 2020, the Honorable Erica P. Grosjean signed an order, based on the parties'
22 stipulation, continuing the preliminary hearing until October 15, 2020, and excluding Speedy Indictment
23 Time under the Speedy Trial Act through that same date. Doc. 9.

24 On October 15, 2020, the grand jury returned a two-count indictment against the defendant:
25 (1) Possession with Intent to Distribute a mixture or substance containing a detectable amount of
26 Fentanyl (N-phenyl-N- [1- (2-phenylethyl) -4-piperidinyl] propanamide), and (2) Possession of a
27 Firearm in Furtherance of a Drug Trafficking Crime. Doc. 27.
28

1 The defendant was arraigned on the above-mentioned indictment on October 15, 2020. During
2 the arraignment hearing, the government made an oral motion to dismiss, without prejudice, Count Two
3 listed in the criminal complaint: Distribution of Oxycodone and a mixture or substance containing a
4 detectable amount of Fentanyl (N-phenyl-N- [1- (2-phenylethyl) -4-piperidinyl] propanamide)
5 Resulting in Serious Bodily Injury. The court instructed the government to submit a written order.

6 The government now moves to dismiss, without prejudice, Count Two listed in the criminal
7 complaint: Distribution of Oxycodone and a mixture or substance containing a detectable amount of
8 Fentanyl (N-phenyl-N- [1- (2-phenylethyl) -4-piperidinyl] propanamide) Resulting in Serious Bodily
9 Injury. *See* Doc. 1

10 Dated: October 15, 2020

McGREGOR W. SCOTT
United States Attorney

11 By: /s/ JUSTIN J. GILIO
12 JUSTIN J. GILIO
13 Assistant United States Attorney
14

15
16 **ORDER**

17
18 IT IS SO ORDERED.

19 Dated: October 15, 2020

20 
21 UNITED STATES MAGISTRATE JUDGE
22
23
24
25
26
27
28